

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)	
)	CRIMINAL NO. 3: 12-CR- 224
v.)	
)	JUDGE A. RICHARD CAPUTO
RICHARD J. HARLEY,)	
)	
Defendant)	

**MEMORANDUM OF LAW IN SUPPORT OF
MOTION TO DISMISS INDICTMENT**

I. FACTUAL BACKGROUND

Defendant, Richard J. Harley, is charged with fifteen counts of wire fraud, two counts of bankruptcy fraud, five counts of making false statements, and one count of bank fraud regarding several schemes that allegedly took place between 1999 and 2012. An indictment was filed against the Defendant on August 30, 2012.

II. LEGAL ARGUMENT

Defendant would contend that this indictment is lacking sufficient information regarding the allegedly fraudulent documents needed in order to allow the Defendant to prepare a defense to the charges.

Pursuant to Fed. R.Crim.P. 7(c) “The indictment or information must be a plain concise and definite written statement of the essential facts constituting the offense charged . . .” In this case the Indictment is woefully inadequate in describing the essential facts of the allegedly fraudulent documents.

There is no information provided as to where these documents came from, or how or why the Government contends that these documents are fraudulent.

III. CONCLUSION

WHEREFORE, Defendant respectfully requests this Honorable Court to dismiss the Indictment.

Respectfully Submitted,

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Date: September 16, 2013